

ORDINANCE NO. 07-023

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PARKING VARIANCE TO ALLOW 56 PARKING SPACES, WHERE 131 PARKING SPACES ARE REQUIRED, SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, AND WAIVE A PORTION OF THE MIAMI-DADE COUNTY LANDSCAPE MANUAL REQUIREMENTS FOR OFF-STREET PARKING AS ADOPTED BY THE CITY, TO WIT: A 7-FOOT LANDSCAPED BUFR BETWEEN OFF-STREET PARKING AND THE RIGHT-OF-WAY, CONTRA TO HIALEAH CODE §§ 98-2189(7) AND 98-2197(a). **PROPERTY LOCATED AT 550 WEST 84 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.'

WHEREAS, the Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance; and

WHEREAS, the petitioner proffers a declaration of restrictive covenants, to which the City accepts, providing the following use restrictions: (1) The use of the property as a diagnostic and testing medical facility shall not exceed 120 beds; and (2) Upon discontinuance or cessation of the use, the property owner shall consent to a petition to rescind the parking variance and comply with current minimum parking requirements; (3) Transportation will be provided by the facility with vehicles that fit within standard parking spaces, no research participants will line up outside the building, no bus circulation will be allowed in front of the building;; (4) removal of the chain link fence and if replaced, installation of a aluminum picket fence; and (5) parking, landscaping and façade improvements shall be made subject to city approval and consent.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The petitioner proffers a declaration of restrictive covenants, a copy of which is attached hereto and made a part hereof as Exhibit "1", to which the City accepts.

Section 2: The below-described property is hereby granted a variance permit to allow 56 parking spaces, where 131 parking spaces are required, subject to a declaration of restrictive covenants, and waive a portion of the Miami-Dade County Landscape Manual for Off-Street Parking as adopted by the City, to wit: A 7-foot landscape buffer between the off-street parking and the right-of-way, contra to Hialeah Code §§ 98-2189(7) and 98-2197(a), which provide in pertinent part: “*Commercial uses, not found elsewhere in this section.* One parking space for each 200 square feet of gross floor area of the floor with the greatest floor area within the building and one parking space for each 500 square feet of the remaining floor area.” and “Off-street parking areas shall be landscaped according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas, . . . ,” respectively. Property located at 550 West 84 Street, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial District), and legally described as follows:

WEST 250 FEET OF THE EAST 895 FEET OF TRACT
A, PALM LAKES INDUSTRIAL PARK, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 76, PAGE 16, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative

tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

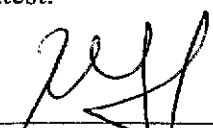
PASSED and ADOPTED this 13th day of February, 2007.
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

Approved on this 21 day of February, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

s:\wmg\legis\ord-2007\550west84street.doc

Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.



CFN 2007R0259141
OR Bk 25445 Pgs 2153 - 2154 (2pgs)
RECORDED 03/13/2007 15:23:16
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

DECLARATION OF RESTRICTIVE COVENANTS

(I) (WE), Clinical Pharmacology of Miami, Inc.

Being the owner(s) of lands described herein:

The West 250 feet of the East 895 feet of Tract A, Palm Lakes Industrial Park, according to the plat thereof, as recorded in Plat Book 76, at Page 16, of the Public Records of Miami-Dade County, Florida.

Also Known as: 550 West 84 Street, Hialeah, Florida

Make the following Declaration of Restrictive Covenants covering and running with the above property, specifying that this restriction during its lifetime shall be for the benefit of and a limitation upon all present and future owners of the real property described above, in favor of and enforceable by the City of Hialeah, Florida. Property located at 550 West 84 Street, Hialeah, Florida, zoned M-1 (Industrial District).

In connection therewith, the undersigned covenant represents and agrees as follows:

1. The use of the property shall be limited as follows:
The applicant agrees that transportation will be provided by the facility with vehicles that fit within standard parking spaces, no research participants will line up outside the building, no bus circulation will be allowed in front of the building, subject to City approval, parking, landscaping and façade improvements will be provided and the chain link fence on the property frontage facing West 84 Street will be replaced by an aluminum picket fence, if a fence or wall is provided. (2532)
2. The property owner agrees that the parking variance to allow 56 parking spaces where a minimum of 131 parking spaces are required is limited to the declaration of the use of the property as a diagnostic and testing medical facility and should the use cease, the property owner shall further consent to a petition to rescind the parking variance and comply with current minimum city parking requirements. The property owner shall not exceed the capacity of 120 beds within the facility. (2532)
3. This covenant is intended and shall constitute a restrictive covenant concerning the use, enjoyment, and title to the above-described property shall constitute a covenant running with the land and may be recorded in the Public Records of Miami-Dade County, Florida. This covenant shall remain in full force and effect and shall be binding upon the undersigned, its (their) heirs, successors and assigns until such time as the same is modified, amended or released and may only be modified, amended or released by a written instrument executed by the then owner having fee simple title to the property affected or to be affected by such modification, amendment, or release; provided, however, the same is also approved by the City

2
Ord.
07-23

Council and the Mayor of the City of Hialeah, or its successors, by resolution, upon advertised notice, or by ordinance if the covenant is adopted by ordinance or as otherwise provided in the Hialeah Charter.

4. The use of the property shall be in compliance with all ordinances, regulations, codes and charter of the City of Hialeah, Florida and applicable State and Federal Law and laws and regulations of Miami-Dade County, Florida.

IN WITNESS WHEREOF, I (we) have hereunto set our hands and seals at:
725 W 23 ST., this 21 day of DEC, 06
(Location)

Signed, sealed and delivered in the presence of:

Attest: [Signature] Corporate Secretary
By: [Signature] Corporate Name Clinical Pharmacology of Miami, Inc
President

STACY DILZER
Typed/Printed Name
STACY DILZER
Typed/Printed Name

Witness
Typed/Printed Name CLEMENTE VERA

Witness
Typed/Printed Name MANUELA STECCO

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me on this 21 day of Dec, 2006,
Stacy Dilzer, as President, and Stacy Dilzer, as Secretary, of
Clinical Pharmacology of Miami, Inc., a _____ Corporation, on behalf of
the corporation.

They are personally known to me or have produced the following _____ as identification and did
(did not) take an oath and attested to the truth and accuracy of the representations contained herein.
WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public State of Florida
Marlen Montes De Oca
(Name of Notary Public: Print, Stamp, or Type as Commissioned)
My Commission DD222902
Expires June 15, 2007
Identification produced:
Did take an oath
Did Not take an oath